

**Xi Cui**

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**Subject:** RE: Documentation of Conventional Onsite Wastewater System Installations

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**From:** McCabe, Gene C (DEC) [<mailto:gene.mccabe@alaska.gov>]

**Sent:** Monday, August 10, 2015 9:16 AM

**To:** Xi Cui; Bill Joiner; Kimble, Rob E (DEC); Adler, Clint J (DEC)

**Cc:** David Sosa

**Subject:** RE: Documentation of Conventional Onsite Wastewater System Installations

Hi Tracy,

Thanks for a chance to review the proposed revisions. I see the direction you're going, and perhaps we can help.

The Department has two pathways for on-site system approval.

The first pathway is available to licensed professional engineers, certified installers and certified homeowners (a category not currently listed in your proposal). This pathway is essentially a "permit by rule" application. For specific systems of certain sizes and applications, these three categories of installers can essentially notify the Department of an intent to install a system, and then provide system documentation AFTER the installation of the system. This can only happen if all of the requirements of the regulation are met (18 AAC 72.035(d)). In these cases, the Department does not issue pre-approval, review of the design, or inspection of the construction. While this approach may not be applicable everywhere in Haines Borough, it is an available approach, and we are bound to honor all who qualify to take advantage of it. The evidence that an applicant has properly participated in the Department's process will only occur *after* the system is installed and operating by their Documentation of Construction being submitted to the Department and it being entered into our SEPTS database. Available: <http://dec.alaska.gov/Applications/Water/Septs/>

The second approach is more deliberate. For systems that cannot conform to the requirements in 18 AAC 72.035(d), they must be designed by a licensed professional engineer and submitted to the Department for plan review and construction approval prior to construction. In this case, an applicant could show you a construction authorization issued by the Department. These authorizations are valid for only 2 years from the date of issuance, unless extended in writing by the Department. The Borough should not consider a construction authorization dated beyond 2 years as still valid without additional written extensions. Once a system has been installed, the applicant will request an Approval to Operate from the Department or, in cases of surface water discharges, perhaps a Discharge Authorization from a General Permit. Either of these Department documents will serve as evidence of successful completion of the Department's process for the applicant.

As far as the determination on the connection to utilities: I understand the ordinance attempts to agree with the requirements of the State Plumbing Code (and by reference the Uniform Plumbing Code) by using the 200 foot standard for connection. What is unclear is the extent of the authority of the Borough to waive connection requirements. Without the Borough having the delegated authority to review wastewater engineering plans, I do not agree the Borough has the authority to waive connection to existing utilities *within 200' of a property* and that determination would need to rest with the jurisdiction having authority (in this case, the Department). While the proposed ordinance does not specifically state the Borough has this authority, it also does not specify anything to the contrary. In short, my concern is that the Borough would grant waivers to allow onsite systems when the property is within 200' of an existing utility without the proper delegated authority to approve these waivers.

I hope this helps some. If you'd like to schedule a brief telecon, please let me know and we can do that.

Lastly, thank you for working with us to assure the local and state guidance align. I truly appreciate this opportunity to assist with developing robust local guidance.

Gene

**Gene McCabe**

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**From:** Xi Cui [<mailto:xcui@haines.ak.us>]  
**Sent:** Friday, August 07, 2015 11:53 AM  
**To:** McCabe, Gene C (DEC); Bill Joiner; Kimble, Rob E (DEC); Adler, Clint J (DEC)  
**Cc:** David Sosa  
**Subject:** RE: Documentation of Conventional Onsite Wastewater System Installations

Good afternoon, gentlemen:

I would like to follow up with you about the conventional onsite wastewater system installations. The Haines Borough Planning Commission discussed the topic on July 9. The existing Borough code requires a developer to provide a DEC written approval of the on-site wastewater system design prior to permit approval. However, DEC acknowledged that installation of a conventional on-site wastewater system does not need a plan approval. During the discussion, the commission suggested the code be amended to allow approval with the submission of a wastewater treatment design from a licensed engineer or certified installer. We drafted the attached code amendment ordinance, and it will be introduced at the next Thursday planning commission meeting (August 13). I would greatly appreciate it if you can take a look at the draft ordinance, and let us know if you have any suggestions/concerns.

Thank you for your attention and time on this matter.

Sincerely,

***Tracy Cui***

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